

**RECEIVED  
CENTRAL FAX CENTER**

DEC 19 2005

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Michael A. Pellico Confirmation No. 7064  
Application No. : 10/758,915  
Filed : January 16, 2004  
Title : INCREASED PEROXIDE CONTENT TOOTH BLEACHING GEL  
  
Grp./Div. : 1614  
Examiner : Frederick F. Krass  
  
Docket No. : 51831/D279

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
December 19, 2005

Commissioner:

I hereby certify that I am the attorney of record in this application and am authorized to execute this disclaimer on behalf of the assignee; and I further certify that the evidentiary documents have been reviewed and that assignee, to the best of my knowledge and belief, has title to the above-identified application.

DISCUS DENTAL, INC., a California corporation having a place of business at 8550 Higuera Street, Culver City, California 90232 represents: (a) that it is the assignee of the entire interest in U.S. patent Application No.10/758,915, filed January 16, 2004, and entitled INCREASED PEROXIDE CONTENT TOOTH BLEACHING GEL, by virtue of the assignment recorded in the United States Patent and Trademark Office at reel 011446, frame 0835.

DISCUS DENTAL, INC. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/045,184 filed on October 18, 2004, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall

12/21/2005 EFLORES 00000097 031728 10758915

01 FC:1814 130.00 DA

-1-

PAGE 15/16 \* RCVD AT 12/19/2005 8:22:04 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-6/26 \* DNIS:2738300 \* CSID:19494768640 \* DURATION (mm-ss):03-26


**Application No. 10/758,915**

be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

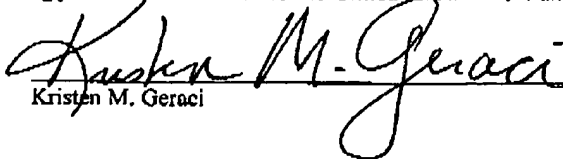
By   
William P. Christie  
Reg. No. 29,371  
626/795-9900

WPC/kmg

KMG IRV1092226.2-12/19/05 11:33 AM

**RECEIVED  
CENTRAL FAX CENTER****DEC 19 2005****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 19, 2005.*

  
Kristen M. Geraci

Applicant : Michael A. Pellico  
Application No. : 10/758,915  
Filed : January 16, 2004  
Title : INCREASED PEROXIDE CONTENT TOOTH BLEACHING GEL  
  
Grp./Div. : 1614  
Examiner : Frederick F. Krass  
Docket No. : 51831/D279  
Customer No. : 23363

Confirmation No. 7064

3

**TRANSMITTAL FOR TERMINAL DISCLAIMER TO  
OBVIATE A DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
December 19, 2005


Commissioner:

Enclosed is a Terminal Disclaimer to Obviate a Double Patenting Rejection and the statutory fee of **\$130** is to be charged to Deposit Account No. 03-1728.

Any deficiency or overpayment should be charged or credited to Deposit Account No. 03-1728. Please show our docket number with any credit or charge to our Deposit Account.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
William P. Christie  
Reg. No. 29,371  
626/795-9900

WPC/kmg

Enclosures: Terminal Disclaimer  
KMG IRV1092289.1-12/19/05 3:37 PM